

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.19897 of 1998

Dated: 07-03-2007

Between:

1. Vakati Mohan Reddy, s/o Chenga Reddy,
aged about 42 years, r/o Nalagamala village,
Vakadu Mandal, Nellore District and 6 others.

... Petitioners

and

1. The Mandal Revenue Officer,
Vakadu Mandal,
Vakadu,
Nellore District and another.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the order of the Mandal Revenue Officer, Vakadu Mandal, Nellore District passed in Rc.B.377/97, dated 24-06-1998, as arbitrary and illegal.

2. It is the case of petitioner Nos.1 to 7 that they were granted DKT

pattas in an extent of Ac.5-06 cents, Ac.5-00, Ac.5-35 cents, Ac.5-35 cents, Ac.5-20 cents, Ac.5-00 and Ac.4-94 cents respectively during 1978 by the then Tahsildar, Gudur. As the said land did not yield any profits, they raised japan babool and have been realizing wood and thereby eking out their livelihood. While so, pursuant to the directions of the Revenue Divisional Officer, Gudur, the Mandal Revenue Officer, Kota issued notices in Rc.B.377/97, dated 10-11-1997, which were served on them on 31-12-1997, directing them to show-cause within 15 days from the date of receipt of the notice as to why pattas granted to them shall not be cancelled. Thereupon, they got issued reply through their advocate on

03-01-1998 and filed W.P.No.1329 of 1998 and this Court allowed the said writ petition at the admission stage quashing the said notices, vide order dated 21-01-1998. In the said order, this Court directed the Mandal Revenue Officer to give necessary particulars in the show-cause notice, so as to enable the petitioners to submit their reply effectively. It is stated that thereafter, the Mandal Revenue Officer issued show cause notices in Rc.B.377/97, dated 11-03-1998 to the petitioners. It is further stated even though they got issued suitable reply through their advocate, to the said notice, the Mandal Revenue Officer – first respondent passed the impugned order, dated 24-06-1998.

3. Heard learned counsel for the parties.

4. Evidently, an appeal is provided for as against the impugned order, but the petitioners in haste approached this Court and filed the present writ petition, without approaching the appellate authority.

5. Having regard to the said fact, this writ petition is disposed of with a direction to the petitioners to file an appeal against the

impugned order before the appellate authority within a period of four weeks from the date of receipt of a copy of this order. On such appeal being filed, the appellate authority may pass appropriate orders after giving sufficient opportunity to the petitioners. No costs.

However, it is made clear that as the petitioners have been in possession of the land in question continuously, they shall not be dispossessed during the pendency of the appeal.

JUSTICE GOPALAKRISHNA TAMADA

Dt.07-03-2007
GLV